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October 7, 2024

Via: ECF

ENDORSEMENT

Honorable Naomi Reice Buchwald  
Senior U.S. District Judge  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

*Application to seal  
is granted.*

*Naomi Reice Buchwald,  
USDS*

*October 8, 2024*

RE: United States of America v. Andreina Rosario  
Case No. 0208 1:24CR00336-001 (NRB)  
Our File No: 7677

Dear District Judge Buchwald:

On behalf of the Defendant, Andreina Rosario, we respectfully move this Court for permission to file certain exhibits under seal, in connection with the Sentencing Memorandum filed on October 4, 2024. The exhibits in question contain highly sensitive psychological, social history, and psychiatric evaluations of Ms. Rosario's nephew, O. M., who has been diagnosed with autism. These evaluations outline O.M. psychological and emotional needs, as well as the critical role Ms. Rosario plays in his life and care.

The exhibits at issue include:

**Exhibit Q:** Psychological Evaluation (dated November 16, 2022),

**Exhibit R:** Social History (dated November 16, 2022), and

**Exhibit T:** Psychiatric Evaluation (dated December 14, 2022).

These documents provide a detailed account of O.M.'s condition and his reliance on Ms. Rosario as his primary caregiver. The disclosure of these personal medical records could cause significant harm to the privacy and well-being of O.M. While we recognize the presumption in favor of public access to judicial documents, this presumption may be overcome when higher values, such as privacy, are at risk. See *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119–20 (2d Cir. 2006). As such, we submit that sealing these records is appropriate under the standards set forth in *Lugosch* and applicable case law. Given the sensitive nature of these documents, redacting the private information would not sufficiently protect O.M.'s interests.

Pursuant to the Individual Practices of Your Honor, we have electronically filed this letter motion and have separately emailed the unredacted versions of these exhibits to the Court for review. We are prepared to provide redacted versions for the public record, if the Court deems it necessary.

We thank the Court for its attention to this matter and stand ready to provide any additional information.

Respectfully submitted,

/s/ Frank Agostino

Frank Agostino, Esq.

FA/sk

Cc: Elizabeth Daniels, Esq. (via ECF); BuchwaldNYSDChambers@nysd.uscourts.gov (via email)